

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LAWSON OSIDEKO,)	FILED: AUGUST 11, 2008
)	08CV4537
)	JUDGE ST. EVE
)	MAGISTRATE JUDGE BROWN
)	YM
Plaintiff,)	JURY TRIAL DEMANDED
)	
v.)	
)	
CITY OF EVANSTON and OFFICER JANE DOE)	
)	
)	
Defendants.)	

COMPLAINT

I. NATURE OF THE ACTION

1. This action is brought pursuant to 42 U.S.C. § 1983 to redress the deprivation under color of law of Plaintiff's rights as secured by the United States Constitution.

II. JURISDICTION AND VENUE

2. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1367.

3. Venue is proper under 28 U.S.C. § 1391(b). All parties reside in this judicial District and the events giving rise to the claims asserted herein occurred within this District.

4. Plaintiff Lawson Osideko is a resident of Evanston, Illinois.

III. PLAINTIFF'S ALLEGATIONS

5. During the relevant time period Plaintiff was eighteen years-old and a student at Dunbar Vocational High School in Chicago. Plaintiff resided with his parents in Evanston Illinois and was employed at Dominick's in Evanston, Illinois.

6. On or about February 16, 2008 Plaintiff was arrested and place into custody by Defendant Evanston Police Officer Jane Doe at approximately 6:05 pm at Plaintiff's place of employment. Plaintiff was held in custody and not released from custody until approximately 2 am on February 17, 2008.

7. Defendant Jane Doe handcuffed and escorted Plaintiff out of his place of employment in plain view of co-workers and customers.

8. Defendant placed the handcuffs on Plaintiff in a manner intended to cause Plaintiff physical discomfort and refused to adjust them after being verbally told by Plaintiff that they were causing pain.

9. As a result of this false arrest Plaintiff, was suspend from his place of employment and had his works hours reduced upon being reinstated.

10. As a result of this false arrest, Plaintiff was forced to endure the emotional distress associated with his wrongful arrest, physical pain associated with being handcuffed, and financial damages.

**Count I – 42 U.S.C. § 1983
False Arrest/Unlawful Detention**

11. Plaintiff repeats and realleges each and every allegation contained above as if fully set forth herein.

12. As described more fully above, Defendant Jane Doe falsely arrested and unlawfully detained Plaintiff without legal justification.

13. The misconduct described in this Count was undertaken with malice, willfulness, and reckless indifference to the rights of others.

14. As a result of the above-described wrongful infringement of Plaintiff's rights, Plaintiff suffered damages, including but not limited to emotional distress and anguish and financial harm.

15. The misconduct described in this Count was undertaken by Defendant Officer Jane Doe within the scope of her employment and under color of law such that their employer, City of Evanston, is liable for her actions.

**Count II – 42 U.S.C. § 1983
Excessive Force**

16. Plaintiff repeats and realleges each and every allegation contained above as if fully set forth herein.

17. As described in the proceeding paragraphs, the conduct of Defendant Jane Doe toward Plaintiff constituted excessive force in violation of the United States Constitution.

18. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally with willful indifference to Plaintiff's constitutional rights.

19. As a result of the unjustified and excessive use of force by Defendant Jane Doe, Plaintiff suffered pain and injury, as well as emotional distress.

20. The misconduct described in this Count was undertaken with malice, willfulness, and reckless indifference.

21. The misconduct described in this Count was under taken by Defendant Jane Doe within the scope of her employment and under color of law such that her employer, City of Evanston, is liable for her actions.

**Count III – State Law Claim
Respondent Superior**

22. Plaintiff repeats and realleges each and every allegation contained above as if fully set forth herein.

23. In committing the acts alleged in the preceding paragraphs, the Defendant Officer Jane Doe was a members and agent of the Evanston Police Department acting at all relevant times within the scope of her employment.

24. Defendant City of Evanston is liable as principal for all torts committed by its agents.

**Count IV – State Law Claim
Indemnification**

25. Plaintiff repeats and realleges each and every allegation contained above as if fully set forth herein.

26. Illinois law provides that public entities are directed to pay any tort judgment or compensatory damages for which employees are liable within the scope of their employment activities.

27. Defendant Officer Jane Doe was an employee of the Evanston Police Department who acted within the scope of her employment in committing the misconduct described herein.

WHEREFORE, Plaintiff, respectfully requests that this Court enter judgment in his favor and against Defendants, City of Evanston and Officer Jane Doe and award compensatory damages and attorney's fees, along with punitive damages against the Defendant Officer in her individual capacity, was well as any other relief their Court deems just and proper.

JURY DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, the Relators hereby demands trial by jury.

By:

Dated: August 11, 2008

s/ Michael C. Rosenblat
Attorney for Plaintiff

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